

The Honorable Benjamin Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CLYDE RAY SPENCER, MATTHEW
RAY SPENCER, and KATHRYN E.
TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY
JAMES M. PETERS, DETECTIVE
SHARON KRAUSE, SERGEANT
MICHAEL DAVIDSON, CLARK
COUNTY PROSECUTOR'S OFFICE,
CLARK COUNTY SHERIFF'S
OFFICE, THE COUNTY OF CLARK
and JOHN DOES ONE THROUGH
TEN,

Defendants.

NO. C11-5424BHS

MOTION FOR WITHDRAWAL AND
SUBSTITUTION OF COUNSEL FOR
DEFENDANT JAMES M. PETERS

Noted for: September 22, 2011

By stipulation pursuant to General Rule 2(g)(4)(A), Robert M. McKenna, Attorney General, Patricia C. Fetterly, Assistant Attorney General, and Daniel J. Judge, Senior Counsel, of the Office of the Attorney General, Tort Division and E. Bronson Potter, Chief Civil Deputy of the Clark County Prosecuting Attorney's Office respectfully move that Robert M. McKenna, Attorney General, Patricia C. Fetterly, Assistant Attorney General, and Daniel J. Judge, Senior Counsel, be substituted as counsel of record for Defendant James M.

Peters in place of E. Bronson Potter. Counsel request that all future notices and correspondence be directed to:

Patricia C. Fetterly, AAG
 Daniel J. Judge, Senior Counsel
 Washington State Attorney General's Office
 PO Box 40126
 Olympia, WA 98504-0126
 Phone: 360-586-6300
 Fax: 360-586-0665
patriciaf1@atg.wa.gov
danielj@atg.wa.gov

This motion for substitution follows a tender of defense made from the Clark County Prosecuting Attorney's Office to and accepted by the Washington State Attorney General's Office, pursuant to *Whatcom Co. v. State of Washington*, 99 Wn.App. 237, 993 P. 2d 273 (2000) and RCW 4.92.060. The counsel for Plaintiffs in this matter have been notified of this motion. They have no objection to leave of the Court being granted. The motion is filed in accordance with CR 7(d)(1).

For these reasons E. Bronson Potter of the Clark County Prosecuting Attorney's Office and Robert M. McKenna, Attorney General, Patricia C. Fetterly, Assistant Attorney General, and Daniel J. Judge, Senior Counsel, of the Office of the Attorney General's Office, respectfully move that Robert M. McKenna, Attorney General, Patricia C. Fetterly, Assistant

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2 Attorney General, and Daniel J. Judge, Senior Counsel, be substituted in as counsel for
3 defendant James M. Peters.

4 DATED this 22nd day of September, 2011.

5 CLARK COUNTY PROSECUTING
6 ATTORNEY'S OFFICE

7
8 /s/E. Bronson Potter

9 E. BRONSON POTTER, WSBA #9102
10 Chief Civil Deputy Prosecuting Attorney
11 Clark County Prosecutor's Office
12 Civil Division
13 PO Box 5000
14 Vancouver WA 98666-5000
15 (360) 397-2478
16 Email: bronson.potter@clark.wa.gov

17
18 ROBERT M. McKenna
19 Attorney General

20
21 /s/ Daniel J. Judge

22 PATRICIA C. FETTERLY, WSBA No. 8425
23 Assistant Attorneys General
24 DANIEL J. JUDGE, WSBA No. 17392
25 Senior Counsel
26 Attorneys for Defendant Peters
Torts Division
P.O. Box 40126
Olympia, WA 98504-0116
(360) 586-6300

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd of September, 2011, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Plaintiffs' Attorneys:

dandavies@dwt.com
kathleen.zellner@gmail.com
dhjohnson43@aol.com

Attorney for Co-Defendant Spencer:

dunnwh@pacifier.com

AND via email to [substituted] Attorney for Defendant James M. Peters:

Robert M. McKenna, Attorney General
Patricia C. Fetterly, Asst. Attorney General
Daniel Judge, Sr. Counsel
Attorney General of Washington, Torts Division
800 Fifth Avenue #2000
Seattle WA 98104-3188
Email: DanielJ@atg.wa.gov
Patriciaf1@atg.wa.gov

/s/ Thelma Kremer
Thelma Kremer, Legal Secretary
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